UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

EDGAR VEYTIA,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION, *et al.*

Defendants.

Civil Action No. 22-590 (RDM)

MEMORANDUM OPINION

In February 2022, *pro se* Plaintiff Edgar Veytia filed a complaint in this Court, naming the Drug Enforcement Administration and the Federal Bureau of Investigation as Defendants. Dkt. 1 (Compl.). Plaintiff alleged that he had sent several requests under the Freedom of Information Act ("FOIA") to both defendants, *id.* at 2 (Compl. ¶¶ 6–7); that "the DEA has not acknowledged any of the Plaintiff's FOIA[] requests," *id.* (Compl. ¶ 6); and that the FBI has improperly withheld records under FOIA exemptions 6 and 7, *id.* (Compl. ¶ 7).

Defendants answered Plaintiff's complaint on May 20, 2022. Dkt. 6. The Court subsequently ordered that the parties file separate status reports on or before June 21, 2022, addressing (1) any documents still to be produced pursuant to FOIA; (2) an anticipated schedule for processing and producing any such documents; and (3) any substantive areas of disagreement between the parties. Min. Order (May 26, 2022). Defendants did so on June 21, 2022, Dkt. 7, but Plaintiff filed no such report. Dkt. 7. The Court again ordered that the parties file separate status reports on or before September 27, 2022, Min. Order (June 29, 2022), and, again, Plaintiff failed to comply with the Court's order. The Court again ordered that the parties file separate

status reports on or before December 27, 2022. Min. Order (Sept. 27, 2022). On December 23, 2022, Defendants represented that DEA had "issued . . . response[s]" to each of Plaintiff's seven requests, including "two *Glomar* responses, two denials of improper requests, . . . one referral," and an "assert[ion] [of] exemption 7(A) to withhold records response to . . . two requests." Dkt. 9 at 2. Defendants represented, moreover, that "the FBI concluded its search;" that it had "located approximately 1,470 pages of potentially responsive records;" and that, on "September 1, 2022, the FBI sent a letter to Plaintiff regarding his options for release along with the cost for processing." *Id.* Plaintiff was silent yet again.

On December 27, 2022, the Court ordered that "each party shall separately file a further status report on or before March 3, 2023" and that "Plaintiff shall identify, in his status report, any deficiencies that he believes exist in Defendants' productions to date." Min. Order (Dec. 27, 2022). The Court warned, moreover, that "[i]f Plaintiff fails to comply with the Court's order to file this status report, the Court may dismiss this action for failure to prosecute." *Id.* Plaintiff again failed to respond, and, on March 6, 2023, the Court ordered a further status report "on or before April 3, 2023," warning again "that failure to comply with the Court's order . . . will result in dismissal of this action for failure to prosecute." Min. Order (Mar. 6, 2023). April 3, 2023 has come and gone, and the Court has yet to hear from Plaintiff.

The Court may dismiss a case for failure to prosecute "upon the Court's own motion." Local Civ. R. 83.23; *Bristol Petrol. Corp. v. Harris*, 901 F.2d 165, 167 (D.C. Cir. 1990) ("'[W]hen circumstances make such an action appropriate,' a district court may dismiss an action on its own motion because of a party's failure to comply with court orders designed to ensure orderly prosecution of the case." (quoting *Link v. Wabash R.R. Co.*, 370 U.S. 626, 633 (1962))). Because Plaintiff has had no contact with this Court, has taken no action in this case since filing

his complaint, and has disregarded five Court orders to file status reports—including two orders that warned of the Court's intention to dismiss the case absent a response from Plaintiff—the Court will dismiss the action for failure to prosecute.

CONCLUSION

For the foregoing reasons, the Court will dismiss this action without prejudice. A separate order will issue.

/s/ Randolph D. Moss
RANDOLPH D. MOSS
United States District Judge

Date: July 5, 2023